

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Case No. 1:03-CR-243

Plaintiff,

Hon. Richard Alan Enslen

v.

JOSE LUIS ALEMAN-RAMOS,

ORDER

Defendant.

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This matter is before the Court on Plaintiff United States of America's Second Motion for Extension of Time to File a Response to Defendant Jose Luis Aleman-Ramos' Motion to Vacate, Set Aside, or Correct Sentence under 28 U.S.C. § 2255. Plaintiff makes its request pursuant to Federal Rule 45 (b), where the Court may extend the time to file a motion for good cause on a party's motion made "before the originally prescribed or previously extended time expires." FED. R. CRIM. P. 45(b)(A).

The Court previously granted Plaintiff's Motion for Extension of Time on the basis that Plaintiff was seeking to obtain transcripts from Defendant's previous sentencing and an affidavit from Defendant's former counsel pertinent to Defendant's Motion to Vacate. Plaintiff now requests a second extension asserting that despite frequent contact with Defendant's former counsel, it has not yet obtained his affidavit. Being apprised of these circumstances, the Court finds that good cause exists to grant Plaintiff's Motion; however, the Court notes it is unlikely to continue to grant extensions.

THEREFORE, IT IS HEREBY ORDERED that Plaintiff's Motion for Extension of Time to File a Response (Dkt. No. 79) is **GRANTED**. Plaintiff shall file a response not later than February 23, 2007.

DATED in Kalamazoo, MI:
February 6, 2007

/s/ Richard Alan Enslen
RICHARD ALAN ENSLEN
SENIOR UNITED STATES DISTRICT JUDGE